

# Exhibit 4

**Exhibit 4**

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**From:** Viker, Elliot [elliot.viker1@dhs.gov]  
**Sent:** Monday, August 15, 2011 11:48 AM  
**To:** Malinsky, Jason; 'Viker, Elliot'  
**Cc:** Oliver, L. Scott; 'Becca Heller'; 'Stephen Poellot'  
**Subject:** RE: IRAP USCIS FOIA Request - Follow Up From August 12th Conference Call

**Follow Up Flag:** Follow up

**Flag Status:** Red

Good afternoon Mr. Malinsky:

Thank you for your communiqué and phone call on 08/15/2011. We are presently moving forward with your access request.

Should you have any questions or concerns please do not hesitate to contact myself of this office.

Cordially,

Elliot Viker  
Paralegal Specialist/Detailed FOIA Operations  
DHS/USCIS/Enterprise Services Directorate/NRC  
(816) 350 5500 ext. 5207  
[Elliot.Viker@uscis.dhs.gov](mailto:Elliot.Viker@uscis.dhs.gov)

*Si a jure discedas vagus eris, et erunt omnia omnibus incerta.*

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**From:** Malinsky, Jason [mailto:JMalinsky@mofo.com]  
**Sent:** Monday, August 15, 2011 1:02 PM  
**To:** Viker, Elliot  
**Cc:** Oliver, L. Scott; Becca Heller; Stephen Poellot  
**Subject:** RE: IRAP USCIS FOIA Request - Follow Up From August 12th Conference Call

Eliot,

Please note the error in the email below under the "Time Limitation". It should read: "Our request is limited to documents and information from January 1, **2001** through present day." 2011 was a typo.

My apologies for the error.

Jason

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**From:** Malinsky, Jason  
**Sent:** Monday, August 15, 2011 10:55 AM  
**To:** 'Viker, Elliot'  
**Cc:** Oliver, L. Scott; 'Becca Heller'; Stephen Poellot  
**Subject:** IRAP USCIS FOIA Request - Follow Up From August 12th Conference Call

Eliot,

Thank you for taking the time to organize Friday's productive meeting to discuss our FOIA request.

Upon conferring with you, Joanna Ruppel, Stacy Strong, Richard French, and Roger Andon, and taking into consideration USCIS's concerns about the volume of documents, we have agreed to limit the scope of our request. After being informed by USCIS that our request could encompass nearly 500,000 documents and include forms addressing matters unrelated to refugees, we agreed to limit the scope of forms included in our request to: I-590s; all refugee Requests for Review; and I-602s. As expressed on the conference call, we are open to the idea of further limiting our request. Without knowing what documents USCIS has, or the contents of those documents, we are unable to further limit our request at this time. We have agreed, however, that USCIS will initially produce a sample of documents for our review that will allow us to make an informed decision about further limiting our request's scope.

**Time Limitation.** Our request is limited to documents and information from January 1, 2011 through present day.

**USCIS Refugee Reports.** USCIS agreed to provide us with a list of the types of reports within the scope of our request as well as a short description of the data contained within those reports. USCIS representatives mentioned that the list of these reports includes, but is not limited to:

- Trend reports;
- Aging readiness reports;
- Case trend reports;
- Workload reports;
- Processing time reports; and
- Pending cases reports.

In addition to the list of reports and short description of their contents, USCIS will produce samples of each of the above-described reports, as well as any other reports that are not explicitly named above but that are reasonably determined to fall within the scope of our request. Following our review of the list and sample reports, we will communicate to USCIS which reports we want them to produce.

Joanna Ruppel stated that the above-described sample reports, and the post-August 2010 data reports described below, could be gathered early this week. The FOIA office will then review these reports before producing them to us as soon as possible.

**August 2010 to Present Day USCIS Data.** USCIS described its post-August 2010 data as being compiled in a more organized manner than pre-August 2010 data. Thus, USCIS will produce sample monthly, quarterly, and other reports compiling this data so that we may determine which reports best address our request. Following our review, we will communicate to USCIS which reports we want them to produce.

**Circuit Rider Trip Reports.** Our request also encompasses what Stacy Strong described as Circuit Rider "Trip Reports". USCIS will produce examples of these reports for each year, and from each region, from each of the past ten years. Stacy stated that she expects to be able to gather all these reports by the end of this week. The FOIA office will then review these reports before producing them to us as soon as possible.

**Quality Assurance ("QA") Program Reviews.** We stated on the call that we needed time to review the Ombudsman's report attached to our request and would respond to USCIS with more detail on what our request encompasses. We have since reviewed the Ombudsman's report. We request USCIS to produce any conclusions, assessment, or analysis of the results of these QA programs concerning notice of a potentially adverse decision given to refugees orally during their interview *and* written notice of an actual adverse decision given after the conclusion of their interview.

Thank you again for your time and effort in responding to our FOIA request. Please do not hesitate to contact me should any further questions arise related to our request.

Regards,

Jason  
Attorney for the Iraqi Refugee Assistance Project

**Jason A. Malinsky**  
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